

REMARKS

Summary Of The Office Action & Formalities

Claims 1-14 are all the claims pending in the application. By this Amendment, Applicant is adding new claim 15. No new matter is added.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant will hold in abeyance any amendments to claims 6-8 pending final resolution of the remaining claims.

The prior art rejections are summarized as follows:

1. Claims 1-5 and 9-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bishop et al. (USP 4,944,429).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-5 And 9-14 In View Of Bishop et al. (USP 4,944,429).

In rejecting claims 1-5 and 9-14 in view of Bishop et al. (USP 4,944,429), the grounds of rejection state:

Bishop shows a dispenser head 12, an inner body 36 fix to a dispensing device in a non-removable manner and having a shoulder as seen in Fig. 1, a separate outer body 22 fix to the inner body in a removable manner. The outer body defines an actuating surface 54, a frustoconical section, fixing means and a cap 24.

Office Action at page 2. Applicant respectfully disagrees.

Applicant submits that the current grounds of rejection are based on an inaccurate reading of Bishop et al. The grounds of rejection identify element 36 as being an inner body fixed to a dispensing device in a non-removable manner. This is not correct.

Bishop et al. clearly states that the **pump** assembly 34 includes a stem 36 (column 3, lines 45-48), and that this stem 36 reciprocates relative to the screw cap 20 in a direction indicated by arrow 38 (column 3, lines 49-50).

The “shoulder” identified in the grounds of rejection is, in fact, the conventional outer form of all standard pump stems (see Figure 1 of the present application, which illustrates the pump stem having a smaller diameter portion inserted into the inner body 10). The *entire* element 36 in Bishop et al. (*i.e.*, the stem, which includes the larger diameter portion, marked in the attached copy of the figure as “36a”, and the smaller diameter portion, marked as “36b” and which is an integral one-piece construction extending from 36a) is, thus, *an integral part of the pump* and not a separate part of a dispenser head. This distinction is significant.

In the present invention, there is a dispenser head for a fluid dispenser device, *with dispenser head being assembled on the pump* (see, e.g., claim 10, which further recites the dispenser and reservoir). The dispenser head comprises an inner body which is fixed in a non-removable manner to the dispenser device (*i.e.*, the pump), which itself is fixed in a non-removable manner to the reservoir). Therefore, the present invention identifies an additional inner body fixed in the non-removable manner to the pump.

In Bishop et al., on the contrary, there is no separate inner body piece of a dispenser head fixed in a non-removable manner to the pump, only the actuator 22 that is fixed directly to the pump as clearly illustrated in Fig. 1. As such, Bishop et al. teaches away from Applicant's invention, and as the Manual of Patent Examining Procedure ("MPEP") mandates "references must be considered as a whole," and requires the Examiner to consider and confront those passages of Bishop et al. that lead or teach away from the claimed invention. See MPEP §§ 2141.

Bishop et al. explains that the actuator 22 is formed with an integral spray nozzle 52 (column 3, lines 64-65), with the spray nozzle being seated on the pump stem 36 (column 3, lines 66-67). During actuation, the product is delivered to the spray nozzle 52 and then discharged therefrom in the form of a spray or mist (column 4, lines 14-18). Accordingly, Bishop et al. clearly teaches that the dispensing orifice is part of the actuator 22.

In the present invention (as recited in claim 1), on the other hand, the dispensing orifice is a part of the inner body of the dispenser head.

For at least the foregoing reasons, the Examiner is kindly requested to reconsider and withdraw the rejection of claims 1-5 and 9-14.

To help the Examiner better understand the type of pump mechanism disclosed in Bishop et al. the undersigned attorney kindly requests a brief interview with the Examiner.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claim 15, which is believed to be allowable for reasons similar to those set forth above.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/980,631

Attorney Docket No.: Q67463

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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